

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jim D. Burrow, et al.

Application No.: 10/822,567

Confirmation No.: 2641

Filed: April 12, 2004

Art Unit: 1794

For: BUSINESS ACCESSORY ARTICLE WITH
GRAPHIC IMAGE AND METHOD OF
MAKING

Examiner: G. T. Higgins

SUPPLEMENTAL AMENDMENT

VIA EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

For the Amendment filed and dated October 28, 2010, please replace pg. 9 of the Amendment with the replacement page that accompanies this cover page.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214-999-4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application and/or place the application in condition for allowance.

Respectfully submitted,

For the Applicant

/Monique A. Vander Molen/
Monique A. Vander Molen
Registration No. 53,716

Dated: October 29, 2010

Furthermore, Errichiello does not teach or suggest that a transparent laminate sheet is bonded to the printed image. In addition, Errichiello does not teach or suggest that the image film overlayed with a laminate sheet is precisely cut according to contours of the printed image or that the image film is permanently welded onto the member. Moreover, Errichiello does not teach or suggest that the planar indentation and depth is so to recess of the image sheet in the member.

Applicants have amended the claims to further describe the claimed invention, which is believed to be patentable over Errichiello in view of Miyamoto and Arakaki. This is because Errichiello specifically teaches a different invention, which is a book binder having a cavity cut into the plastic and into which a separately molded insert is press fitted or snap fitted in. The inserts are molded just like the book binder. In addition, it is stated that “thin ribs 38 on the longitudinal edges of the spine insert” (Col. 4, ll. 5-7) and “thin, narrow, raised rib” are provided around front face insert panels or cavities (Col. 4, ll. 36-39). Such configurations described are not essential to nor required by Applicants’ claimed invention because Applicants teach a very different invention, which is a film bonded to a member, the member having an indentation for receiving the film, which is not a cavity. A cavity and an indentation are descriptively different. A cavity is generally described as a sizeable hole. In addition, the molded insert of Errichiello is not an image film; the image film of Applicants’ invention is clearly stated to be about 4.0 mils to about 12.0 mils and would not be considered to require a sizeable hole by one skilled in the relevant art. The Examiner can interpret a claim term only as reasonably allowed and such interpretation cannot be inconsistent with the specification. [MPEP 2111] Errichiello does not teach or suggest that the insert is a thin film of about 4.0 mils to about 12.0 mils. There is no suggestion or teaching by Errichiello that such a thin film was achieved or capable of being achieved, especially when the insert is expressly stated to be pressed fit or snap fitted into the cavity. It certainly is not obvious by the reference itself and there is no secondary evidence of any kind showing otherwise. It is also pointed out that Errichiello clearly shows and states that the spine insert is made of a planar medium strip 80 with longitudinal, right angular lips 82, 84, which clearly teaches away from and prevents this insert from bonding along its entirety to the cavity. Furthermore, it would not be obvious to one skilled in the art based on the teachings of Errichiello to know how to be able to mold an insert at “any depth,” let alone a depth of about 4.0 mils to about 12.0 mils. The Examiner has not provided any such evidence as to how this